

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN SCOTT

Plaintiff,

- vs -

TROTT LAW, P.C

Defendant.

Case No.: 2:16-cv-13734

Hon.: Denise Page Hood

Mag. David R. Grand

THE RUBINSTEIN LAW FIRM
Jan Jeffrey Rubinstein (P57937)
Ryan P. Richardville (P77335)
Attorneys for Kevin Scott
30150 Telegraph Rd., Ste. 444
Bingham Farms, MI 48025
(248) 220-1415
jjr@therubinsteinfirm.com

TROTT LAW, P.C.
Robert J. Kinggo (P68442)
Attorneys for Trott Law, P.C.
31440 Northwestern Hwy. Ste 200
Farmington Hills, MI 48334
(248) 723-5765
rkinggo@trottlaw.com

BRIEF IN SUPPORT

NOW COMES Plaintiff, KEVIN SCOTT, by and through his attorneys, THE RUBINSTEIN LAW FIRM, and for his Brief in Support of Plaintiff's Motion to Compel Defendants to Produce Responses to Plaintiff's First Set of Interrogatories, Request for Production of Documents, and Deem Request for Admissions Admitted, respectfully states as follows:

Concise Statement of Issues Presented

On April 22, 2020, Plaintiff, KEVIN SCOTT, served his First Set of Interrogatories, Request for Production of Documents, and Request for Admissions upon Defendant, TROTT LAW, P.C. To date, Trott Law P.C. has selectively refused to provide any responses whatsoever.

Controlling Authority Upon Which Relief is Sought

Rule 33 of the Federal Rules of Civil Procedure provides that each interrogatory must be answered separately and **fully** in writing under oath and imposes a duty to provide all the information within the responding party's knowledge and control. Similarly, Rule 34(b)(2)(A) of the Federal Rules of Civil Procedure requires that responsive documents be produced within (30) days of the service of a document request. Likewise, Rule 36 provides that in answering requests for admission of facts, if a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny. Rule 36(a)(3) specifically states that a matter is deemed admitted unless responded to with a denial or objection in writing signed by an attorney.

Plaintiff's discovery requests clearly fall within the scope of discoverable information set forth under Rule 26(b). Michigan courts encourage far-reaching, open, and effective discovery practice, and an incomplete or evasive answer is not an appropriate response to a discovery request and is to be treated as a complete failure to disclose, answer, or respond. Federal Rule of Civil Procedure 37(a)(4); *Merriweather v. United Parcel Serv., Inc.*, 2018 WL 3572527 (W.D. Ky July 25, 2018). Further, the requested discovery is imperative to allow Plaintiff to adequately prepare for Case Evaluation and Trial in this matter. Consequently, Plaintiff's rights are greatly prejudiced without the requested discovery.

WHEREFORE, Plaintiff, KEVIN SCOTT, respectfully requests this Honorable Court to enter an order compelling Defendant, TROTT LAW, P.C. to provide full and complete responses to Plaintiff's First Set of Interrogatories, Request for Production of Documents, within ten (10) days, to further deem Plaintiff's Request for Admission of Facts as Admitted, and to award such other relief as determined to be just and appropriate.

Respectfully submitted,
THE RUBINSTEIN LAW FIRM

By: Jan Jeffrey Rubinstein
Jan Jeffrey Rubinstein (P57937)
Attorney for Plaintiff

Dated: July 8, 2020